



DEFENSE NUCLEAR FACILITIES
SAFETY BOARD
Washington, DC 20004-2001

September 27, 2019

Ms. Emma Buck
C/O MuckRock News
Department MR 73755
411A Highland Avenue
Somerville, Massachusetts 2144-2516
Via E-mail: 73755-94502085@requests.muckrock.com

Re: Freedom of Information Act Request: Tracking Number DNFSB FY 19-12

Dear Ms. Best:

This responds to the Freedom of Information Act request you submitted to the Defense Nuclear Facilities Safety Board via MuckRock.com on May 21, 2019 (DNFSB tracking number FY 19-12) for the following records associated with the creation and initial implementation of the Board's FOIA program:

- *Documents generated as part of the creation of the FOIA office (defined as whatever department, office, or coordinator is responsible for overseeing and/or processing FOIA requests), whether this was at the time of the agency's creation or the passage of the Freedom of Information Act, to include:
 1. The instruction to do so from the Agency, as well as any guidance from the senior leadership
 2. Documents discussing proposals and procedures
 3. Any legal guidance or analysis produced or acquired by the Agency in response to or as part of the creation of the FOIA office
 4. Internal documents from the press office, legislative liaison's office (or equivalent), general counsel's office (or equivalent), director's office (or equivalent or the newly created FOIA office, reacting to or characterizing the office and its creation
- *A copy of the agency's first perfected (successful FOIA request
- *Copies of other FOIA requests filed before the FOIA request described above
- *Processing notes, search slips and response documents regarding the FOIA requests described above
- *Processing notes, search slips and response documents regarding the FOIA requests described above
- *The first set of guidelines, instructions and/or forms created to control the agency's processing of FOIA requests
- *A copy of the agency's first successful FOIA appeal
- *Copies of other FOIA appeals received by the agency before the appeal described above
- *Processing notes, search slips and response documents regarding the FOIA appeals described above
- *The first set of guidelines, instructions and/or forms created to control the agency's processing of FOIA appeals

Having conducted a thorough search both of its files and of the potentially responsive records that have been transferred to the custody of the National Archives and Records Administration in accordance with the Board's Records Retention Schedule, the Board has determined that it has no records that are responsive to your request. More specifically, with regard to items 1-4 of your request, we identified thirty-seven boxes in NARA's custody that could have contained responsive records. We recalled twelve of those boxes from NARA, reviewed their contents, and confirmed that the detailed index prepared for each box of records at the time it was transferred to NARA accurately described its contents. Accordingly, we reviewed the indices of the remaining twenty-five boxes rather than recalling them from NARA for an item-by-item search. As noted, no responsive records were identified. Our inability to locate any records responsive to the elements of your request that are marked with asterisks, is a product of the provisions of the Records Retention Schedule that applies to the Board's FOIA records. General Records Schedule 4.2, item 020, applies to FOIA records of the type you requested and directs that they be destroyed six years after final agency action or three years after final adjudication by the courts, whichever is later. Accordingly, in view of the age of the records identified in your request, all have been destroyed.

You have the right to file an administrative appeal within ninety (90) days of your receipt of this letter. Your appeal must be in writing, be clearly marked with the words, "Freedom of Information Act Appeal," and be addressed as follows:

General Counsel
Defense Nuclear Facilities Safety Board
625 Indiana Avenue, N.W., Suite 700
Washington, DC 20004

By filing an appeal, you preserve your rights under FOIA and provide the Board an opportunity to review and reconsider both your request and its decision.

If you would like to discuss the Board's decision in an attempt to resolve your dispute without going through the appeals process, you may contact the Board's FOIA Public Liaison, Paul Wilson. He can be reached directly at (202) 694-7018 and PaulW@dnfsb.gov. If you are unable to resolve your dispute, the Office of Government Services (OGIS), the Federal FOIA Ombudsman's office, offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road – OGIS
College Park, Maryland 20740-6001
202-741-5770
877-684-6448
ogis@nara.gov
ogis.archives.com

The Board's response to your request is now completed. If you have questions about this letter or the processing of your request, feel free to contact Mr. Wilson at the telephone number or e-mail address noted above. Please reference the tracking number FY 19-12 in any communication about this matter.

Sincerely,



Glenn Sklar
Chief FOIA Officer